

AMENDED IN SENATE MARCH 16, 2000

SENATE BILL

No. 1459

Introduced by Senator Knight
(Coauthor: Assembly Member Runner)

February 9, 2000

An act to amend Sections 39014.3 and 39014.5 of, to add Chapter 14 (commencing with Section 41300) to Part 3 of Division 26 of, and to repeal Section 40106 of, the Health and Safety Code, relating to air quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 1459, as amended, Knight. Antelope Valley Air Quality Management District.

(1) Existing law establishes the Antelope Valley Air Pollution Control District, as provided, and prescribes the membership of the governing board.

This bill would abolish that county air pollution control district and, instead, would create the Antelope Valley Air Quality Management District, as provided. The bill would provide for a governing district board, as provided, and would prescribe the powers and duties of the district board with respect to the control of air pollution.

Under the bill, the Antelope Valley district would succeed to all the funds, property, and obligations of the Antelope Valley Air Pollution Control District. The bill would permit the district board to adopt a schedule of fees levied on sources of air pollution to recover its costs of implementing the bill.

By imposing duties on the Antelope Valley district and requiring local agencies to make appointments to the district board, the bill would create a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that for certain costs no reimbursement is required by this act for a specified reason.

However, the bill would provide that, if the Commission on State Mandates determines that the bill contains other costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory provisions and, if the statewide cost does not exceed \$1,000,000, shall be made from the State Mandates Claims Fund.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 39014.3 of the Health and Safety
2 Code is amended to read:

3 39014.3. “Antelope Valley district” means the
4 Antelope Valley Air Quality Management District
5 created pursuant to Chapter 14 (commencing with
6 Section 41300) of Part 3.

7 SEC. 2. Section 39014.5 of the Health and Safety Code
8 is amended to read:

9 39014.5. “Antelope Valley district board” means the
10 governing board of the Antelope Valley Air Quality
11 Management District.

12 SEC. 3. Section 40106 of the Health and Safety Code
13 is repealed.

14 SEC. 4. Chapter 14 (commencing with Section 41300)
15 is added to Part 3 of Division 26 of the Health and Safety
16 Code, to read:

17

CHAPTER 14. ANTELOPE VALLEY AIR QUALITY
MANAGEMENT DISTRICT

Article 1. Creation of the Antelope Valley Air Quality
Management District

41300. (a) Notwithstanding Section 40410 or any other provision of this part, that portion of the Antelope Valley that is located in northern Los Angeles County shall not be within the south coast district. That territory shall constitute the territory of the Antelope Valley Air Quality Management District, which is hereby created.

(b) The territory of the Antelope Valley Air Quality Management District has the following boundaries: the San Bernardino County line to the east, the Kern County line to the north, the San Gabriel Mountains to the south, and the Sierra Nevada Mountains to the west. The south and west boundaries shall coincide with the boundaries of the Southeast Desert Air Basin, as determined by the state board, by regulation.

41301. The Antelope Valley district is the local agency with the primary responsibility for the development, implementation, monitoring, and enforcement of air pollution control strategies and motor vehicle use reduction measures, and shall represent the citizens of the Antelope Valley district in influencing the decisions of other public and private agencies whose actions may have an adverse impact on air quality within the Antelope Valley district.

41302. The Antelope Valley district shall commence operations on January 1, 2001, and on that date shall assume the authority and duties of the Antelope Valley Air Pollution Control District which shall cease to exist on that date.

Article 2. Governing Body

41310. The Antelope Valley district shall be governed by a district board consisting of seven members, as follows:

1 (a) Two members of the City Council of the City of
2 Lancaster appointed by the city council.

3 (b) Two members of the City Council of the City of
4 Palmdale appointed by the city council.

5 (c) Two persons appointed by the member of the
6 Board of Supervisors of the County of Los Angeles who
7 represents a majority of the population of the Antelope
8 Valley district, one of whom may be that supervisor.

9 (d) A public member who shall be appointed by the
10 members appointed pursuant to subdivisions (a) to (c),
11 inclusive.

12 41311. Voting by the Antelope Valley district board
13 on the adoption of all items on its agenda shall be by
14 rollcall. Unless any board member objects, a substitute
15 rollcall may be used on any agenda item. For purposes of
16 this requirement, any consent calendar is a single item.

17 41312. Notice of the time and place of a public hearing
18 of the Antelope Valley district board to adopt, amend, or
19 repeal any rule or regulation relating to an air quality
20 objective shall be given not less than 30 days prior to the
21 hearing and shall be published in each county in the
22 Antelope Valley district in accordance with Section 6066
23 of the Government Code. The period of notice shall
24 commence on the first day of publication.

25
26 Article 3. General Powers and Duties
27

28 41320. (a) The Antelope Valley district board shall
29 adopt rules and regulations that are not in conflict with
30 state and federal laws, rules, and regulations and that
31 reflect the best available technological and
32 administrative practices.

33 (b) The rules and regulations shall require the level of
34 control necessary to achieve the emission reduction
35 requirements of the California Clean Air Act of 1988
36 (Chapter 1568 of the Statutes of 1988), pursuant to
37 Sections 40913, 40914, and 40915.

38 (c) The rules, regulations, and resolutions of the
39 Antelope Valley Air Pollution Control District shall
40 remain in effect on December 31, 2000, and shall remain

1 in effect and be enforced on and after January 1, 2001, by
2 the Antelope Valley district, until superseded or
3 amended by the Antelope Valley district board.

4 41321. (a) After a public hearing, the Antelope
5 Valley district may adopt regulations to require operators
6 of public and commercial fleet vehicles, when adding
7 vehicles to, or replacing vehicles in, an existing fleet or
8 when purchasing vehicles to form a new fleet, to purchase
9 low-emission motor vehicles, and to require, to the
10 maximum extent feasible or appropriate, that those
11 vehicles be operated on a cleaner burning alternative
12 fuel.

13 (b) For purposes of this section, “motor vehicle fleet”
14 means 10 or more vehicles under common ownership or
15 operation.

16 41322. The Antelope Valley district shall conduct
17 public education, marketing, demonstration, monitoring,
18 research, and evaluation programs or projects with
19 respect to transportation control measures.

20 41323. The Antelope Valley district may adopt
21 regulations to limit or mitigate the impact on air quality
22 of an indirect or areawide source pursuant to Section
23 40716.

24
25 Article 4. Financial Provisions
26

27 41330. The Antelope Valley district may adopt a
28 schedule of fees, levied on permitted and other sources of
29 air pollution to recover the cost of implementing this
30 chapter, pursuant to Section 42311 and Chapter 7
31 (commencing with Section 44220) of Part 5.

32 41331. Pursuant to Section 41321, the *Antelope Valley*
33 district may undertake programs ~~which~~ *that* may include,
34 but are not limited to, financial assistance to fleet
35 operators for the purchase, conversion, or operation of
36 low-emission motor vehicles, financial or other assistance
37 to encourage the sale and distribution of cleaner burning
38 fuels, and financial assistance or other incentives for the
39 purchase and operation of ridesharing vehicles.

1 41332. On January 1, 2001, the Antelope Valley district
2 shall succeed to all funds, property, and obligations of the
3 Antelope Valley Air Pollution Control District.

4 41333. The Antelope Valley district board may
5 borrow money and incur indebtedness in anticipation of
6 the revenue for the current year in which the
7 indebtedness is incurred or for the ensuing year. That
8 indebtedness shall not exceed the total amount of
9 estimated revenue for either the current year or the
10 ensuing year.

11 41334. Upon adoption of a resolution by the Antelope
12 Valley district board to implement a procedure to issue
13 warrants pursuant to Sections 41335 to 41346, inclusive,
14 the procedure shall be implemented on the first day of
15 the second month following the date of adoption of the
16 resolution. If, at any time, the Antelope Valley district
17 board determines that the accounting controls of the
18 Antelope Valley district have become inadequate, it may
19 revoke its authorization effective at the beginning of the
20 next fiscal year.

21 41335. The Antelope Valley district board shall
22 appoint a treasurer, who may be a county treasurer, who
23 shall be the custodian of funds of the Antelope Valley
24 district and who shall make payments only upon warrants
25 duly and regularly signed by the person authorized by the
26 Antelope Valley district board. The treasurer shall keep
27 an account of all receipts and disbursements.

28 41336. The Antelope Valley district shall appoint a
29 controller, who may be a county auditor, who shall be the
30 accounting officer for the Antelope Valley district and
31 who shall exercise general supervision over the
32 accounting forms and methods of keeping the accounts of
33 the Antelope Valley district.

34 41337. The Antelope Valley district board may, by
35 resolution, cause to be drawn all warrants on the treasurer
36 against all funds, except funds for debt service, of the
37 Antelope Valley district in the treasury for the payment
38 of salaries and expenses of the Antelope Valley district.

39 41338. The Antelope Valley district board may
40 authorize, in writing, the controller to draw separate

1 payroll warrants in the names of the individual Antelope
2 Valley district employees for the respective amounts due
3 each employee so that each employee may be furnished
4 with a statement of the amount earned and an
5 itemization of the amounts withheld.

6 41339. The Antelope Valley district board may
7 authorize the controller, in writing, to issue warrants in
8 favor of the persons entitled to payment of all claims
9 chargeable against the Antelope Valley district that have
10 been legally examined, allowed, and ordered paid by the
11 Antelope Valley district board. The controller shall issue
12 warrants on the treasurer for all those claims against the
13 Antelope Valley district.

14 41340. The form of the warrants shall be prescribed by
15 the Antelope Valley district board and approved by the
16 treasurer.

17 41341. Except as specified in this article, no county
18 officer shall be responsible for producing reports,
19 statements, and other data relating to or based upon
20 payments of salaries or claims of the Antelope Valley
21 district pursuant to this article.

22 41342. The Antelope Valley district shall provide the
23 officials of the Los Angeles County Employees
24 Retirement Association, in the form prescribed by them,
25 the data necessary to make retirement reports and
26 maintain records required by law.

27 41343. All warrants, vouchers, and supporting
28 documents shall be kept by the Antelope Valley district.

29 41344. Notwithstanding Section 27005 of the
30 Government Code, or any other section requiring
31 warrants or orders for warrants to be signed by the county
32 auditor, if the Antelope Valley district treasurer is a
33 county treasurer, the county treasurer shall pay the
34 warrant if money is available and a person authorized to
35 sign the warrant has signed it. The county treasurer may
36 charge the Antelope Valley district for the cost of fiscal
37 services he or she renders.

38 41345. The controller shall execute an official bond in
39 an amount fixed by the Antelope Valley district board
40 conditioned upon the faithful performance of his or her

1 duties. A county auditor shall not be liable under the
2 terms of his or her bond or otherwise for a warrant issued
3 pursuant to this article. This section shall not be applied
4 so as to impair the obligation of any contract in the bond
5 of the officers in effect on January 1, 2001.

6 41346. If the auditor of the Antelope Valley district is
7 a county auditor, he or she shall be provided, upon his or
8 her request, a monthly listing of the warrants issued
9 under this section reporting the warrant number, the
10 date and amount of the warrant, the name of the payee,
11 the name of the fund on which the warrant is drawn, and
12 a statement showing for the current fiscal year to date, for
13 each required expenditure classification, the amount
14 budgeted, actual expenditures, encumbrances, and
15 unencumbered balances. The form of the listing and
16 statement shall be as prescribed by the Antelope Valley
17 district board and approved by the county auditor.

18
19 Article 5. Officers and Employees
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21 41350. (a) The Antelope Valley district board shall
22 employ the necessary staff to carry out its powers and
23 duties.

24 (b) The Antelope Valley district board shall appoint an
25 air pollution control officer (APCO) to direct the staff,
26 subject to the direction and policy of the Antelope Valley
27 district board.

28 41351. On January 1, 2001, the APCO, designated
29 deputies, and other exempt employees of the Antelope
30 Valley Air Pollution Control District shall be employed by
31 the Antelope Valley district and shall serve in the same
32 capacity for the Antelope Valley district. The APCO and
33 designated deputies shall serve at the pleasure of the
34 Antelope Valley district board, and shall receive the
35 compensation that is determined by the Antelope Valley
36 district board.

37 41352. The Antelope Valley district shall appoint a
38 legal counsel who is admitted to the practice of law in this
39 state.

1 41353. In the appointment of persons to the Antelope
2 Valley district staff, the Antelope Valley district board
3 shall employ the personnel of the Antelope Valley Air
4 Pollution Control District. On January 1, 2001, all
5 employees of the Antelope Valley Air Pollution Control
6 District shall be employed by the Antelope Valley district
7 and shall be entitled to similar positions and duties on the
8 Antelope Valley district staff. Except as otherwise
9 provided in this article, an employee shall have
10 permanent merit system employee status. A period of
11 time as specified by the Los Angeles County Board of
12 Supervisors shall be allowed to employees of the Antelope
13 Valley County Air Pollution Control District to transfer
14 to other appropriate county employment before July 1,
15 2001.

16 41354. All officers and employees of the Antelope
17 Valley district, other than members of the Antelope
18 Valley district board, are entitled to the benefits of the
19 County Employees Retirement Law of 1937 (Chapter 3
20 (commencing with Section 31450) of Part 3 of Division 4
21 of Title 3 of the Government Code).

22 41355. For the purpose of, but not limited to,
23 retirement benefits, salary rates, seniority, and all fringe
24 benefits, all time of employment with the Antelope
25 Valley Air Pollution Control District immediately prior to
26 employment with the Antelope Valley district, and any
27 time of employment immediately prior thereto with the
28 county, a county district, or both, whose authority,
29 functions, and responsibilities have been assumed by the
30 Antelope Valley Air Pollution Control District, shall be
31 considered time of employment with the Antelope Valley
32 district. Upon transfer to the Antelope Valley district,
33 employees shall retain all of their accumulated sick leave,
34 vacation, and retirement benefits.

35 41356. If the civil service commission, or body
36 performing the functions thereof, in the Antelope Valley
37 district finds that any person has been employed by the
38 Antelope Valley Air Pollution Control District in a
39 position with duties and qualifications that are
40 substantially the same as, or are greater than those of any

1 position in the Antelope Valley district, the civil service
2 commission or other body, at the request of the APCO,
3 may certify, without examination, that person as eligible
4 to hold that Antelope Valley district position.

5 41357. The Antelope Valley district may contract for
6 any professional assistance that may be necessary or
7 convenient for the exercise of its powers and duties.

8 SEC. 5. No reimbursement is required by this act
9 pursuant to Section 6 of Article XIII B of the California
10 Constitution for those costs for which the local agency or
11 school district has the authority to levy service charges,
12 fees, or assessments sufficient to pay for the program or
13 level of service mandated by this act.

14 However, notwithstanding Section 17610 of the
15 Government Code, if the Commission on State Mandates
16 determines that this act contains other costs mandated by
17 the state, reimbursement to local agencies and school
18 districts for those costs shall be made pursuant to Part 7
19 (commencing with Section 17500) of Division 4 of Title
20 2 of the Government Code. If the statewide cost of the
21 claim for reimbursement does not exceed one million
22 dollars (\$1,000,000), reimbursement shall be made from
23 the State Mandates Claims Fund.

